

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

United States of America,

- against -

Li, Hsi Feng,

Defendant.

**Notice of Motion
07 Cr. 1143 (DC)**

PLEASE TAKE NOTICE, that upon the annexed Affirmation of **Louis R. Aidala, Esq.**, dated the 22nd day of August, 2008, and upon all other papers and proceedings heretofore had herein, the undersigned will move this Court, on behalf of defendant **Li, Hsi Feng**, before the **Hon. Denny Chin, U.S.D.J.**, at the United States Courthouse, 500 Pearl St., New York, New York 10007, at a date and time to be set by the Court:

I. For an Order, pursuant to **F.R.E. 404(b)**, directing the Government to disclose, in detail, any and all prior bad act evidence it may seek to introduce against the defendant, and precluding use of any such evidence on the government's direct case;

II. For an Order directing the Government to provide all exculpatory evidence and impeachment material as it becomes available pursuant to **Brady v. Maryland**, 373 U.S. 73 (1963); **Giglio v. United States**, 405 U.S. 150 (1972), and their progeny.

III. For an Order directing the government to provide information, discovery, and a bill of particulars, which shall set forth, specify, and provide:

1. State whether the government is claiming that any money was ever passed directly from Mr. Li to the UC, or from Mr. Li to any co-defendant, to be paid to the UC. If so, provide details relating to same, including the amount and manner of any such payments, the dates on which same were made, and the specific purpose of said payments.

2. State whether the government is claiming that Mr. Li ever personally claimed ownership of any container that was smuggled into the United States in connection with the instant conspiracy. If so, provide details relating to same, *i.e.*, the number of said container, the date on which it passed through customs, the nature and value of the merchandise contained therein and any documentation relating to same, including the amount of any illegal payment to the UC, and by whom made.
3. Provide copies of the photographs and the documents referred to in ¶ 122 of the Complaint.
4. Identify any containers which the government is claiming are attributable to Mr. Li, and provide all relevant information relating to same, including the numbers of said containers, the dates on which they allegedly passed through customs, all documentation relating to same, including the amount of any illegal payment to the UC, and by whom made.
5. Whether the government intends to introduce any of the items seized during the search of Mr. Li's home on its direct case. If so, please identify said items and their relevance to the instant charges.
6. Whether any surveillance photos exist of the Toyota registered to Mr. Li that was allegedly observed at the Brooklyn warehouse where counterfeit Burberry handbags and Coach wallets were distributed. If so provide copies of same.
7. Provide complete transcripts of the 12/20/06 and 2/1/07 meetings allegedly involving Mr. Li, the undercover officer, and co-defendant Michael Chu.

Please Take Further Notice, that defendant respectfully reserves the right to make such future motions as counsel deems appropriate, following receipt of any materials and information sought herein.

Please Take Further Notice, that defendant joins in the motions of the co-defendants herein, to the extent that such motions pertain to him and are not inconsistent with the facts and legal contentions advanced in the present motion, together with such other and further relief as this Court deems just and proper..

**Dated: New York, New York
August 22, 2008**

Respectfully submitted,

**Louis R. Aidala
Attorney for Defendant
546 Fifth Avenue
6th Floor
New York, New York 10036
(212) 750-9700**

**To: United States Attorney
Southern District of New York
Attn: Rosemary Nidiry, AUSA
Nicholas Goldin, AUSA**

Clerk, SDNY